

FILED

June 9, 2003

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

IN THE MATTER OF	:	
	:	
DAWN GAMBINO	:	Administrative Action
	:	
Unlicensed to Practice	:	CONSENT ORDER
Professional Counseling	:	
In the State of New Jersey	:	
	:	

This matter was opened to the New Jersey Professional Counselor Examiners Committee (hereinafter "the Committee") upon receipt of information that Dawn Gambino (hereinafter "respondent") was providing counseling services in the State of New Jersey without a license. Respondent advertises her services as providing help for "relationships, intimacy, panic attacks, self esteem, career issues, stress, anger, post traumatic stress, abuse, addictions" as well as crisis situations. She further advertises that she offers her counseling services to individuals and couples.

Respondent has advertised that "[i]f you are looking for solutions and are ready to move ahead with your life through therapy, call Dawn Gambino, Cht."

On August 1, 2002 respondent appeared without counsel for an investigative inquiry into the matter before the Committee. Respondent testified that she has a B.A. in education and is certified in elementary education and as a teacher of the handicapped. She also testified that she is not a licensed professional counselor nor does she hold any other professional license in the State of New Jersey. Respondent stated that she is certified as a hypnotist by the National Guild of Hypnotists.

Respondent states that she has had her private practice for approximately four years on a part-time basis with an office in her home and one in Somers Point. In a month, the number of clients may vary from approximately two to fifteen clients. Although she sees mainly adults, she remembers providing services to at least one child. Respondent describes her practice as a hypnosis practice. According to respondent's testimony, the hypnosis she performs is actually a mild relaxation technique which "can open up doorways and regress people to memories that they don't remember..." Respondent testified that if a client has difficulty with the regression, she offers to work on the anger or fear which may be preventing them from participating in the hypnosis.

Respondent claims that her clients are fully awake and aware during the session, and that she and the client work as a team. Since respondent appears to provide counseling services for a broad range of issues and problems, she was asked if there were any individuals for whom she would decline to provide services. Respondent testified that she would not work with "split personalities, really psychotic, heavily medicated people, serious mental illness."

When asked why her advertisements refer to her work as counseling and therapy but do not indicate that she uses hypnosis as the therapeutic vehicle, she testified that she intentionally does not mention hypnosis in her advertisements because it would discourage potential clients. When the client comes for the first session, respondent explains that she uses hypnosis. Respondent referred to her omission of the word "hypnosis" in her advertisements as a marketing strategy. Additionally, respondent's advertisement claims that she is a "certified healing therapist". When questioned about this certification, respondent admitted that she is not certified as a healing therapist.

Having reviewed the entire record, it appears to the Committee that respondent has repeatedly engaged in the unlicensed practice of professional counseling in violation of N.J.S.A. 45:8B-39, as well as engaging in misrepresentation within the intendment of Consumer Fraud Act (N.J.S.A. 56:8-2) by having advertised and/or

engaged in offering counseling services to the public which she was not legally authorized to engage in or to offer.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 5th DAY OF JUNE 2003,

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall immediately cease and desist from offering to provide and providing any counseling services in violation of N.J.S.A. 45:8B-39. Respondent shall immediately withdraw and cancel any advertising of herself as a counselor , a therapist, a certified healing therapist, and/or other titles which imply she may engage in counseling or therapy services.

2. Respondent shall immediately cease and desist from engaging in misrepresentation in violation of the Consumer Fraud Act, N.J.S.A. 56:8-2, by advertising and/or engaging in counseling services to the public which she is not legally authorized to perform.


3. Respondent is hereby assessed a civil penalty in the amount of five thousand dollars (\$5,000.00) for having engaged in the unlicensed practice of professional counseling in violation of N.J.S.A. 45:8B-39.

4. Respondent shall pay the costs of the investigation of this matter in the amount of five hundred and twenty dollars (\$520.00).

5. Respondent shall pay the above penalty and cost, totaling five thousand, five hundred and twenty dollars (\$5,520.00) in twenty-four (24), consecutive, monthly payments with each payment being in the amount of two hundred and thirty dollars (\$230.00). The first payment shall be due on or before July 15, 2003, and the remaining twenty-three payments shall be due on or before the fifteenth day of each month until the penalty is paid in full. Payment shall be by certified check or money order, payable to the State of New Jersey, and sent to Dennis Gonzalez, Executive Director, Professional Counselor Examiners Committee, P.O. Box 45044, Newark, New Jersey 07101. If any payment is untimely, the full amount shall be immediately due and payable.

6. Should respondent fail to comply with the terms of this order, respondent may be subject to enhanced penalties pursuant to the Uniform Enforcement Act, N.J.S.A. 45:1-25, and the Consumer Fraud Act, N.J.S.A. 56:8-13 and N.J.S.A. 56:8-18 and other proceedings as provided by law, including but not limited to N.J.S.A. 45:1-23 and N.J.S.A. 45:1-24.

NEW JERSEY PROFESSIONAL COUNSELORS
EXAMINERS COMMITTEE



J. Barry Mascari, LPC
President

I have read the within Consent Order and understand its terms. I hereby consent to its entry and to be bound by the Consent Order's terms.

Dawn Gambino
Dawn Gambino